

FRANK E. GALLAGHER, JR.

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FEBRUARY 28, 1956.—Committed to the Committee of the Whole House and ordered to be printed

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Mr. BURDICK, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2900]

The Committee on the Judiciary to whom was referred the bill (H. R. 2900) for the relief of Frank E. Gallagher, Jr., having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

The amendments are as follows:

Page 1, line 7, strike out "March", and insert "July".

Page 1, line 9, strike out "policy", and insert "policies".

Page 1, line 10, strike out "such period", and insert "the period from August 1, 1942, through November 28, 1945".

Attached hereto is statement showing that there is an attorney involved in connection with this claim and the 10 percent provision is retained in the bill.

This bill provides for the payment of total disability benefits for the period from March 1, 1942, through November 28, 1945, under the terms of claimant's United States Government life insurance policy, and for the refund of premiums paid on such insurance through allotments from his active duty pay for such period.

Claimant suffered total disability as a result of inhumane treatment by the Japanese Government while he was a prisoner of war. This fact is not questioned. Mr. Gallagher's records of military service show that he was a prisoner of war from March 1, 1942, until he was released on September 8, 1945; that he was returned to the United States on or about September 18, 1945; and after a period of hospitalization and treatment he was returned to active duty on November 29, 1945.

Although the record shows that Mr. Gallagher was totally disabled for insurance purposes, as determined by the office of original jurisdiction, from March 1, 1942, to November 28, 1945, when he was re-

turned to active service, the Veterans' Administration denied his claim and recommends against the passage of this bill because the claimant failed to submit proof of total disability within 6 months after the termination of such total disability, and did not file claim within 1 year after his return to the continental limits of the United States as required by governing regulations.

Furthermore, the Veterans' Administration recommends against the passage of this bill regardless of the fact that the Congress has expressed its intention with respect to what constitutes a reasonable period for the submission of claims for total disability benefits incurred under conditions present in this case, by legislation extending the time for the submission of such claims accruing under national service life insurance policies until August 1, 1947 (act of August 1, 1946, 60 Stat. 781, 784, amending the provisions of 38 U. S. C. sec. 802 (n)).

It appears that the Veterans' Administration issued regulations which embodied virtually the same provisions as set forth above, but failed to notify United States Government policyholders of this change in regulations.

It further appears that it is the intent of Congress that policyholders under either of the two types of insurance above mentioned should have the same basic rights, regardless of which type they are insured under.

It is apparent that the Veterans' Administration has taken an arbitrary position in regard to the expiration of time in which to file such claims, and that it was negligent in not informing, or making an effort to inform its policyholders of the amendments embodied in the act of August 1, 1946, as set forth above (extension of his rights under the total disability clauses of his United States Government life insurance policies created by amendments to the Veterans' Administration insurance regulations).

The files show that Mr. Gallagher submitted claims for his disability benefits on the very same day that he obtained knowledge of his rights, which indicates that he was diligent in taking action as soon as he knew of them, and further points up the negligence of the Veterans' Administration in failing to notify him at the time the amendment in the regulations was made.

It therefore appears to us that in good conscience and equity Mr. Gallagher should not be deprived of his rights to the payment of disability benefits because of lack of knowledge of the time in which the regulations provided they should be made.

It further appears to us that the following amendments to the bill under consideration should be made:

1. On line 7 of page 1 the date "March 1, 1942," should be changed to "July 1, 1942," to make the bill conform to the provisions of existing law which provide for the payment of total disability benefits commencing on the first day of the fifth consecutive month of total disability.

2. The word "policy" appearing on line 9 of page 1 should be changed to "policies", since the record shows that Mr. Gallagher's claim arises under 2 separate policies, 1 an ordinary life policy for \$7,000 and the other a 20-year endowment policy for \$3,000.

3. At the end of line 10 on page 1, the words "such period" should be deleted and "the period from August 1, 1942, through November 28, 1945" should be substituted.

We recommend passage of the bill as amended according to the paragraphs above, and set the amount to be paid Mr. Gallagher at \$3,187, to cover payments from July 1, 1942, to November 28, 1945, to conform to the regulations mentioned in paragraph 1 of the suggested amendment, pertaining to disability payments.

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AFFIDAVIT

Frank E. Gallagher, Jr., being first duly sworn on oath, deposes and says as follows:

I am the person for whose relief private bill H. R. 2900 was introduced by Mr. Byrnes of Wisconsin on January 24, 1955.

My purpose in seeking the enactment of this legislation is to obtain the total disability benefits and premium refunds which I believe I am entitled to receive under the provisions of my United States Government life insurance policies for the period during which I was totally disabled in a Japanese prison camp during World War II. These benefits have been denied to me by the Veterans' Administration during prolonged administrative proceedings and all administrative avenues of relief have been exhausted.

My claim arises under the following circumstances. On July 20, 1939, I received a commission as a second lieutenant in the United States Marine Corps and reported immediately for active duty. As the date of my commission was prior to the enactment by Congress of the National Service Life Insurance Act which covered most World War II servicemen, I applied for and was given a \$10,000 United States Government life insurance policy (World War I type) on the 5-year term plan.

I have continued to carry this policy since its issuance in 1939 and it is in force at the present time. However, on September 1, 1941, I was granted permission to convert \$7,000 of my coverage to an ordinary life policy and \$3,000 to a 20-year endowment policy. In addition, there was added to my policy at that time a clause providing for the waiver of the payment of premiums during the period of a total disability together with a proviso authorizing the payment to me of disability benefits during said period at the rate of \$5.75 per month for each \$1,000 of insurance. This disability clause did not contain any mention of my rights in the event I incurred a total disability under war conditions while serving outside the continental limits of the United States.

At the time of the declaration of World War II, I was second-in-charge of the Marine detachment aboard the U. S. S. *Houston* which was assigned to the Asiatic Fleet. On the night of February 28, 1942, the U. S. S. *Houston* was sunk by enemy action in the Sunda Straits. I survived the sinking by swimming to Java where on the following day, March 1, 1942, I was taken prisoner by Japanese troops.

Following my capture by the Japanese, I was held in a prisoner-of-war camp at Serang, Java, for approximately 1 month. During this period I developed dysentery and stomach disorders which caused a rapid loss of weight. This condition continued throughout the period of my incarceration. Thereafter, I was transferred to Japan where for the next 3½ years I remained in prison camps at Ohuna, near Yokohama; at Zentsuji, on the Isle of Shikoku; and at Roku Roshi, on Honshu. I was further disabled during this period by poor and insufficient food, and a total lack of medical attention, with the result that at the time of my liberation by American troops on September 8, 1945, my weight had decreased from a normal limit of approximately 180 pounds to 118 pounds. In this severely weakened condition, I was returned to the United States, where after further hospitalization I recovered sufficiently from my disabilities to resume my normal duties on November 29, 1945.

Following my return to the United States, I was never advised by either the Veterans' Administration or the Marine Corps of my rights to receive total disability benefits as a result of my disabilities. I did find, however, that the Marine Corps had continued my insurance policies in force during the period of my imprisonment by paying the premiums thereon through allotments from my active duty pay.

It was not until July 31, 1947, when I saw an article in the Army and Navy Register relating to the rights of World War II prisoners of war under amended Veterans' Administration insurance regulations, that I learned for the first time that I might be eligible for a refund of premiums and for total disability benefits.

As this article stated that all such claims should be filed by August 1, 1947, I immediately submitted a claim for them to the Veterans' Administration.

My claim, dated July 31, 1947, was received by the Veterans' Administration on August 1, 1947. Thereafter, on December 23, 1947, I was advised by the Veterans' Administration that I had been found to be totally disabled for insurance purposes from March 1, 1942, through November 28, 1945. However, I was further advised that my claim for total disability benefits was rejected as untimely because, under existing Veterans' Administration regulations, it had to be filed "within 1 year after discharge of the insured, or the insured's return to the continental limits of the United States, or prior to July 1, 1947, whichever is earlier." Since I had been returned to the United States in September 1945, the Veterans' Administration concluded my claim should have been filed no later than September 1946.

As I felt it was unfair to deny me these rights when no mention was made in my policy of benefits accruing from disabilities incurred outside the United States under wartime conditions and when I had no actual knowledge of these rights until July 31, 1947, I appealed this decision. After years of delay, my appeal was finally denied on the same ground on October 19, 1954, by the Board of Veterans' Appeals.

It is my belief that I am equitably entitled to the benefits which this private bill would confer upon me for two principal reasons. First, I feel that when the Veterans' Administration amended its insurance regulations to provide disability benefits and premium waivers for total disabilities incurred outside the continental limits of the United States during wartime, I should have been notified of this change in coverage as a policyholder. In the absence of any notice to me, I feel it is unfair to characterize my claim as untimely when it was submitted on the same day upon which I acquired knowledge of my rights.

I also feel that the rights of United States Government life insurance policyholders should be identical with the rights of national service life insurance policyholders insofar as the policies contain virtually identical clauses. Such is not the case, however, with respect to the total disability clauses of the two types of insurance under existing Veterans' Administration regulations. While the language of the total disability clauses in both the national service life insurance and United States Government life insurance policies is approximately the same, and while the Veterans' Administration insurance regulations have also been amended so as to provide total disability benefits under the national service life insurance policies for disabilities incurred outside the continental limits of the United States during wartime, the Veterans' Administration has created different cutoff dates for the submission of claims for such benefits under the two types of policies.

Notwithstanding the fact that Congress established the final date for the submission of such claims arising under national service life insurance policies as August 1, 1947, the Veterans' Administration has arbitrarily established the above-mentioned earlier cutoff date for United States Government life insurance policyholders, which I feel is unjustifiably discriminatory.

I therefore respectfully submit that the relief which I seek is nothing more than that to which I am properly entitled. I accordingly ask that I be awarded total disability benefits commencing July 1, 1942, the first day of the fifth consecutive month of my continuous total disability and extending through November 28, 1945, I also ask that I be given a refund of my premiums for this period. Under existing law, it will not be necessary to make an appropriation for the payment of this claim. If the Veterans' Administration had made an administrative allowance of my claim, it would have been paid out of the United States Government life insurance fund heretofore created by Congress. Accordingly, provision has been made under the terms of this bill for the payment of my claim out of this existing fund in order to eliminate the necessity for a special appropriation.

In conclusion, I wish to certify that all of the facts stated above are true and correct.

Respectfully submitted.

FRANK E. GALLAGHER, JR.,  
Lieutenant Colonel, USMC.

Subscribed and sworn to before me, a legal officer, authorized to administer oaths under the authority of the act of May 5, 1950, volume 64, Statute, page 108, this 7th day of June 1955.

WALTER MURPHY,  
CDR, USN, 121026/1620, Law Specialist.



LAW OFFICES, KING & KING,  
Washington 6, D. C., June 7, 1955.

Re private bill H. R. 2900 for the relief of Frank E. Gallagher, Jr.

Hon. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington 25, D. C.*

DEAR MR. CELLER: I am taking the liberty of setting forth below my views in support of the enactment of H. R. 2900, a private bill for the relief of Frank E. Gallagher, Jr., which was introduced during the current session of Congress by Mr. Byrnes of Wisconsin, together with several suggested minor amendments which appear necessary to correct technical flaws. I respectfully request that this statement be made a part of your committee's file on this bill and that serious consideration be given to the arguments set forth herein at the time the committee undertakes to act upon the matter. I would also appreciate being advised as soon as possible whether the committee proposes to conduct hearings on the bill, and if so, I would like to be afforded an opportunity to appear in support of the bill.

As it appears that the relevant facts which give rise to the need for this private legislation have been fully developed in the statements submitted to the committee by the Veterans' Administration and by Colonel Gallagher, I will limit my remarks to the legal aspects of the proposed legislation and will attempt to answer some of the objections to its enactment which have been raised by the Veterans' Administration.

The first factor which I believe should be taken into consideration by the committee is that the Veterans' Administration is directly responsible for the necessity of congressional relief in this instance by virtue of its failure to notify Lieutenant Colonel Gallagher at any time of the extension of his rights under the total disability clauses of his United States Government life-insurance policies created by amendments to the Veterans' Administration insurance regulations. The policies as issued to the insured made provision for the payment of disability benefits at the rate of \$5.75 per month for each \$1,000 of insurance during the period of any total disability lasting for 4 consecutive months or more and also for the waiver of the payment of premiums during such period. The policies further provided that these payments should relate back to a date not exceeding 6 months prior to the receipt of proof of the total disability but not prior to the fifth consecutive month of the disability. However, no mention was contained in the policies of the right of the insured to receive these benefits for total disabilities incurred outside the continental limits of the United States under wartime conditions or of the insured's right to have an extended period of time for the submission of a claim arising under such conditions. It is therefore obvious that when the Veterans' Administration amended its insurance regulations after the issuance of these policies and during the World War II emergency period to provide such benefits, a reasonable effort should have been made to notify all policyholders of this extension in their coverage.

The fact that the amendment of the regulation was for the benefit of the insured is not sufficient, in my opinion, to relieve the Veterans' Administration of its obligation to give such notice when consideration is given to the further fact that the regulation also imposed the duty upon the insured of submitting his claim for the extended benefits within a designated time period. This policy of insurance constituted a contract between the United States, acting through the Veterans' Administration, and the insured, and it is a fundamental principle of law that when one party to a contract attempts to confer new rights and impose new duties upon the other party, the other party should be given adequate notice of the changes. Thus, in view of the fact that no notice of the extended coverage created by the amendment to the Veterans' Administration regulations was ever given to Lieutenant Colonel Gallagher, and in view of the fact that a claim for these benefits was submitted on the same day upon which the insured obtained knowledge of the existence of his rights, I feel it is manifestly unjust for the Veterans' Administration to have taken the position that the claim was untimely asserted.

Rather, I believe that Lieutenant Colonel Gallagher did everything that a reasonably prudent individual could have done under these circumstances and that any onus of omission is plainly chargeable to the Veterans' Administration.

Another important factor which has been ignored by the Veterans' Administration in its denial of the claim is the intention of Congress as expressed in existing legislation with respect to what constitutes a reasonable period for the submission of claims for total disability benefits accruing from disabilities incurred outside the

Prior to the passage of the act of August 1, 1946, section 802 (n), supra, granted total disability benefits to the holders of national service life insurance policies under terms comparable to those contained in the United States Government life insurance policies. It is my further understanding that the Veterans' Administration issued regulations relating to national service life insurance which contained provisions virtually identical to those contained in the amended United States Government life insurance regulations described above. However, because the confusion which resulted from the lack of notice of these rights to national service life insurance policyholders, Congress saw fit on August 1, 1946, to amend section 802 (n) to provide as follows:

It is my belief that because of the similarity in the nature and purpose of the United States Government Life Insurance Act and the National Service Life Insurance Act, Congress intended for all persons possessing such insurance to possess equal basic rights irrespective of the type of policy actually held. Accordingly, it is my contention that when Congress established August 1, 1947, as the cutoff date for the submission of claims under national service life insurance policies for disability benefits, this date should also have been accepted by the Veterans' Administration as an expression of the intent of Congress as to the cutoff date for the submission of similar claims under United States Government life insurance policies as well. The disregard with which the Veterans' Administration has treated this date is highly arbitrary and forms ample basis, in my opinion, for the favorable consideration of this legislation. The enactment of the bill will not really result in the creation of special rights, but will simply equate Lieutenant Colonel Gallagher's rights to those already conferred upon national service life insurance policyholders.

The attention of the committee is further invited to the fact that a special appropriation will not be necessary for the payment of this claim in the event this bill is given favorable consideration. By virtue of the provisions of title 38, United States Code, section 443, Congress has heretofore created a fund known as the United States Government life insurance fund for the payment of claims arising under United States Government life insurance policies. As this claim would have been paid out of this fund if it had been approved initially by the Veterans' Administration, appropriate provision has been made in the bill for its payment from this existing source.

ability. The date March 1, 1942, represents the date of the commencement of Lieutenant Colonel Gallagher's disability as heretofore determined by the Veterans' Administration.

The word "policy" appearing on line 9 of page 1 of the bill should be corrected to read "policies" as actually Lieutenant Colonel Gallagher's claim arises under two separate policies, one being an ordinary life policy for \$7,000, and the other being a 20-year endowment policy for \$3,000. In its present form a question might arise as to whether the bill was applicable to both policies.

The third suggested amendment, which also arises from the Veterans' Administration suggestion, occurs at the end of line 10 on page 1 where the words "such period" should be stricken. In their place should be substituted "the period from August 1, 1942, through November 28, 1945." This change is necessary to prevent the bill from being construed as intended to confer rights upon Lieutenant Colonel Gallagher exceeding those created by existing law.

The last change is on line 1 of page 2 where the words "such period" should be stricken and in their place should be substituted the words "the period from March 1, 1942, through November 1, 1945." This change is necessary to establish the actual period of disability from which the period for payment of disability benefits is determined.

I am taking the liberty of enclosing herewith several additional copies of this statement for the committee's use if they are deemed necessary. It is my hope that this worthy legislation will receive your early consideration.

Respectfully submitted.

THOMAS M. GITTINGS, Jr.

VETERANS' ADMINISTRATION,  
OFFICE OF THE ADMINISTRATOR OF VETERANS' AFFAIRS,  
Washington, D. C., May 10, 1955.

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,*  
*House of Representatives, Washington, D. C.*

DEAR MR. CELLER: Further reference is made to your request for a report by the Veterans' Administration on H. R. 2900, 84th Congress, a bill for the relief of Frank E. Gallagher, Jr., which provides as follows:

"That the Administrator of Veterans' Affairs is hereby authorized and directed to pay out of the United States Government life insurance fund to Frank E. Gallagher, Junior, Alexandria, Virginia, total disability benefits for the period from March 1, 1942, through November 28, 1945, under the terms of his United States Government life insurance policy, and to refund the premiums paid on such insurance through allotments from his active duty pay for such period. The said Frank E. Gallagher, Junior, was totally disabled during such period by malnutrition and dysentery incurred as a result of inhumane treatment by the Japanese Government while a prisoner of war: *Provided*, That no part of any benefits or refund received by reason of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

While in service in the United States Marine Corps, Frank Edward Gallagher, Jr. (C-3036607) applied for and was granted effective September 1, 1939, \$10,000 United States Government life insurance (K 1098399) on the 5-year level premium term plan. Mr. Gallagher changed \$7,000 of this insurance to an ordinary life policy and \$3,000 to a 20-year endowment policy (K 1185581), both effective September 1, 1941. At Mr. Gallagher's request and upon his payment of the additional premium required, both policies contained the total disability provisions authorized in accordance with section 311 of the World War Veterans' Act, 1924, as amended, which grants additional benefits on account of total disability. Mr. Gallagher authorized an allotment of his service pay to cover the monthly premiums of insurance.

The records of Mr. Gallagher's military service disclose that he was a prisoner of war from March 1, 1942, until he was liberated September 8, 1945. He was returned to the United States on or about September 18, 1945. After a period of hospitalization and treatment he was returned to active duty November 29, 1945.



On August 1, 1947, Mr. Gallagher filed claim with the Veterans' Administration for the total disability benefits provided under the mentioned provisions of section 311 of the World War Veterans' Act, 1924, as amended, alleging he was totally disabled from March 1, 1942, to September 8, 1945, the period he was a prisoner of war.

It was determined by the office of original jurisdiction that Mr. Gallagher was totally disabled for insurance purposes from March 1, 1942, to November 28, 1945 (the date he was returned to active duty). However, since proof of total disability (which in this case was the date of filing claim) was not received until more than 6 months after termination of such disability and since he did not file claim within 1 year after his return to the continental limits of the United States as required by governing regulations, his claim for total disability insurance benefits was denied. Mr. Gallagher was notified of this determination by letter dated December 23, 1947, and was advised of his right to appeal to the Administrator of Veterans' Affairs.

Mr. Gallagher appealed the disallowance of his claim basing such appeal primarily on the fact that he was not aware of his eligibility for disability insurance benefits until July 1947 and further, that he was not advised of the extended period for filing claim in cases such as his. The Board of Veterans' Appeals in a decision dated October 19, 1954, after considering the evidence of record concluded that Mr. Gallagher's lack of knowledge concerning the extension of time which was allowed for filing of claims in cases such as his is not acceptable as an adequate basis for finding that his claim was timely. The Board in denying Mr. Gallagher's appeal found that under the applicable laws and regulations his entitlement to payment of the insurance benefits sought is not established.

Section 311 of the World War Veterans' Act, 1924, as added by section 16 of the act of May 29, 1928 (45 Stat. 970) as amended (38 U. S. C. 512b) provides in pertinent part:

"Sec. 311. The Administrator of Veterans' Affairs is hereby authorized and directed to include in United States Government life (converted) insurance policies provision whereby an insured, who is totally disabled as a result of disease or injury for a period of four consecutive months or more before attaining the age of sixty-five years and before default in payment of any premium, shall be paid disability benefits at the rate of \$5.75 monthly for each \$1,000 of converted insurance in force when total disability benefits become payable. \* \* \* Such payments shall be effective as of the first day of the fifth consecutive month, and shall be made monthly during the continuance of such total disability. \* \* \* In addition to the monthly disability benefits the payment of premiums on the United States Government life (converted) insurance policy and for the total disability benefits authorized by this section shall be waived during the continuance of such total disability."

Veterans' Administration regulations on United States Government life insurance at the time of Mr. Gallagher's claim provided in pertinent part that:

"The monthly income payments may relate back to a date not exceeding 6 months prior to receipt of due proof of such total disability but not prior to the first day of the fifth consecutive month of continuous total disability: *Provided*, That where the insured becomes or has become totally disabled while outside the continental limits of the United States and because of war conditions could not feasibly file claim therefor, such benefits may relate back to the first day of the fifth consecutive month of continuous total disability, but not prior to December 7, 1941: *Provided* claim therefor is filed within 1 year after discharge or the insured's return to the continental limits of the United States, or prior to July 1, 1947, whichever is the earlier."

The mentioned Veterans' Administration regulations have also authorized the waiver of premiums beginning with the first monthly premium falling due after the monthly income becomes payable and continuing as long as such monthly income is paid. In this connection, the attention of the committee is invited to the fact that the provisions of Veterans' Administration regulations insofar as they relate to waiver of premiums and the 6 months' limitation on the retroactive payment of total disability benefits were incorporated in Mr. Gallagher's \$7,000 and \$3,000 policies of insurance.

It is not entirely clear from the language of the bill whether it is intended to grant Mr. Gallagher under private law, benefits for a greater period than he would have been entitled to under general law had he made timely application after his return to the continental United States. If upon his return to the United States, Mr. Gallagher had made timely application for the benefits provided under section 311 of the World War Veterans' Act, 1924, as amended, he would have been entitled to monthly disability payments only from July 1, 1942, the first



day of the fifth consecutive month of total disability, and refund of premiums beginning August 1, 1942, the first monthly premium falling due after the monthly disability benefit became payable. The total amount of such payments to November 28, 1945, would be \$3,187.90. If it is intended to grant him such benefits for the entire period March 1, 1942, to November 28, 1945, mentioned in the bill, the amount of such payment would be \$3,521.70. Clarification of this matter is indicated.

The circumstances of Mr. Gallagher's case have been carefully considered. No reason is apparent why it should be singled out for special legislative treatment. To do so would be discriminatory against other persons in the same or similar circumstances and might form a precedent for similar legislation in other cases.

The Veterans' Administration does not believe that private bills of this nature should receive favorable consideration.

Advice has been received from the Bureau of the Budget that there would be no objection to the submission of this report to your committee.

Sincerely yours,

H. V. HIGLEY, *Administrator.*

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LAW OFFICES, KING & KING

WASHINGTON 6, D. C., February 24, 1956.

Re H. R. 2900, a private bill for the relief of Frank E. Gallagher, Jr.

HON. EMANUEL CELLER,  
*Chairman, House Judiciary Committee,*  
*Washington 25, D. C.*

(Attention of Walter Lee, Clerk.)

DEAR SIR: It has been called to my attention that the rules of the Judiciary Committee require the submission of a statement from counsel of the services performed by them in connection with the presentation of private bills. As I have represented Lt. Col. Frank E. Gallagher, Jr., for several years in connection with the matters which form the subject of the above-named private bill, I am setting forth below the work performed by me.

In January 1955, I prepared a suggested draft of the private bill for Lieutenant Colonel Gallagher. This in turn was substantially revised by Representative John W. Byrnes' office prior to its introduction as private bill H. R. 2900. Thereafter, on June 7, 1955, I prepared a brief in support of the enactment of the bill and in addition answered some of the points raised in the report filed by the Veterans' Administration in opposition to the bill. I included in my report several suggested changes in the bill which appeared necessary for the sake of clarification. I also prepared an affidavit for Lieutenant Colonel Gallagher which was submitted to the committee in support of his claim. This represents the full extent of my services to date.

If the committee desires any further information regarding my activities or any additional data with respect to the merits of the bill, I will be most happy, upon request, to supply whatever may be needed.

Very truly yours,

THOMAS M. GITTINGS, JR.



